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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/922,060 | 08/03/2001 | Deepak Pai | 10001-29420 | 7591 |

2574 7590 05/30/2003
JENNER & BLOCK, LLC
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CHICAGO, IL 60611

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| EXAMINER |
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MAYEKAR, KISHOR

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| | 1753 |

DATE MAILED: 05/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------------------------|-------------------------------|
| Office Action Summary | Application No. 09/922,060 | Applicant(s) D. PAI |
| | Examiner Kishor Mayekar | Art Unit 1753 |



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on Aug 3, 2001 is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102 and § 103

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-3, 11, 31 and 32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by REED et al. (5,268,151). See Fig.2; col. 1, lines 49-53; col. 2, lines 30-33 and col. 3, lines 29-35.

As to the subject matter of claim 3, REED further discloses the limitation of the subject matter in col. 6, lines 60-64.

4. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over REED '151. The difference between REED as applied above and the instant claims is the shape of the conductor. The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified REED's teachings because it has been held that change in shape proportion have been obvious to one skill in the art, *In re Gibson* 5 USPQ 230.

5. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over REED '151 in view of KAIGA et al. (5,034,198). The difference between REED as applied above and the above claims is the provision of a plurality of the plasma cell which are

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stacked. KAIGA shows a plurality of plasma cells that are stacked (see Fig.5). The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified REED's teachings as suggested by KAIGA because the stacking of a plurality of plasma cells increases the generation of ozone.

6. Claims 1, 2, 11 and 36 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by KAIGA '198. See Figs. 3 and 5; and abstract.

7. Claims 1, 2, 11 and 36 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by KUZUMOTO et al. (6,093,289). See Figs. 7 and 16.

8. Claims 1, 2, 29 and 36 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GADOW et al. (5,955,038). See Figs. 1-3.

9. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over GADOW

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'038 in view of SLIPIEC et al. (3,967,131). The difference between GADOW and the instant claims is the dielectric and the conductor are corrugated. SLIPIEC shows that the corrugation of the dielectric and electrodes are known (see col. 2, lines 13-19 and col. 28-35). The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified GADOW's teachings as suggested by SLIPIEC because the selection of any of known equivalent arrangement of the dielectric and the electrodes would be within the level of ordinary skill in the art.

10. Claims 4-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over REED '151 in view of RACCA et al. (6,024,930). The differences between REED and the instant claims are the materials for the conductor and the conductive coating. RACCA shows in an ozonizer the use of material for the conductor and the conductive coating (see col. 1, lines 51-65 and col. 2, lines 56-67). The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified REED's teachings as suggested by RACCA

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because the selection of any of known equivalent material for the electrodes would be within the level of ordinary skill in the art.

11. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over REED '151. The difference between REED and the instant claims is the treating of the dielectric substrate for the adhesion of the conductive coating. The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified REED's teachings because the issue of the treating the dielectric substrate in a claimed device cannot be give any patentable weight as to the difference between the treated dielectric substrate and the non-treated dielectric substrate.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kishor Mayekar whose telephone number is (703) 308-0477. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen, can be reached on (703) 308-3322. The fax phone number for this Group is (703) 872-9310 (non-after finals) or 872-9311 (after final).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.


Kishor Mayekar
Primary Examiner
Group 1700

KM

May 28, 2003